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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/899,283	07/06/2001	Kitahiro Kaneda	862.C2286	3920
5514	7590	06/04/2004	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			TUCKER, WESLEY J	
			ART UNIT	PAPER NUMBER
			2623	
DATE MAILED: 06/04/2004				

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/899,283	KANEDA, KITAHIRO
	<b>Examiner</b>	<b>Art Unit</b>
	Wes Tucker	2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 06 July 2001.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-11 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 06 July 2001 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                                              |                                                                             |
|----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                                                  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                                         | Paper No(s)/Mail Date. _____.                                               |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3 and 4</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|                                                                                                                                              | 6) <input type="checkbox"/> Other: _____.                                   |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,2, and 4-11 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,920,658 to Yamagata et al.

2. With regard to claim 1, Yamagata discloses An image processing apparatus for correcting a positional offset of an input image with respect to a reference image, comprising:

storage means for storing information about the reference image, including a reference position (column 4, lines 63-68 and Fig.2, element 109);

area information specifying means for obtaining information about a plurality of areas included in the input image (column 5, lines 1-5);

target position calculating means for calculating a target position on the input image on the basis of the information obtained by said area information specifying means (column 5, lines 12-15). The matching point is considered a target.

calculating means for specifying information about the reference image in accordance with the input image from said storage means, and calculating a positional offset between the reference position included in the specified information and the target position (column 5, lines 12-22 and Fig.1A and 1B); and

correcting means for correcting positions of a plurality of areas included in the input image by using the offset calculated by said calculating means (column 5, lines 12-22).

3. With regard to claim 2, Yamagata discloses the apparatus according to claim 1, wherein said area information specifying means extracts an area having the same attribute from the input image to specify information including an attribute, size, and position of the area (column 5, lines 1-10). Here Yamagata discloses image blocks of the input image that possess positional information as well as pattern matching the blocks. From the pattern matching it is understood that attribute information must be obtained and in order to match the patterns and that some measure of size must be used.

4. With regard to claim 4, Yamagata discloses the apparatus according to claim 1, wherein said target position calculating means obtains a leftmost end/uppermost end position of a plurality of areas included in the input image and sets the position as the target position (column 6, lines 42-50).

5. With regard to claim 5, Yamagata discloses the apparatus according to claim 1, wherein said target position calculating means further comprises removing means for removing an unstable area from a plurality of areas included in the input image (column 6, lines 63-68 and column 7, lines 1-4), and calculates a target position for the input image by using areas left after area removal performed by said removing means (column 5, lines 12-15).

6. With regard to claim 6, Yamagata discloses the apparatus according to claim 5, wherein the unstable area is a noise area (column 7, lines 20-24).

7. With regard to claim 7, Yamagata discloses The apparatus according to claim 5, wherein said removing means removes an area having a score less than a predetermined score from a plurality of areas included in the input image (column 7, lines 11-18 and lines 20-24). Yamagata discloses discarding an image blocks if they are too small or too close together as well as removing image blocks considered to be too simple i.e. if the block does not contain at least a certain score or data amount.

8. With regard to claim 8, the discussion of claim 1 applies. The method is considered to be included in the use of the apparatus.

9. With regard to claim 9, Yamagata discloses the method according to claim 8, wherein the target position calculating step further comprises the removing step of

removing an unstable area from a plurality of areas included in the input image (column 6, lines 63-68 and column 7, lines 1-4), and a target position for the input image is calculated by using areas left after area removal performed in the removing step (column 5, lines 12-15).

10. With regard to claim 10, the discussion of claim 1 applies. It is understood that the apparatus relies on a computer program product on a computer readable medium.

11. With regard to claim 11, the discussion of claim 9 applies.

***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of U.S. Patent 5,920,658 to Yamagata and U.S. Patent 5,999,649 to Nicholson.

13. With regard to claim 3, Yamagata discloses the apparatus according to claim 2, but does not disclose wherein the attribute includes a table attribute, text attribute, title attribute, and frame attribute. Nicholson discloses a method of converting a raw bitmap into a hybrid data structure composed of different text blocks, graphical objects, icons regular shapes, symbols, lines, etc. (column 9, lines 25-37 and Fig.5). These lexical units are categorized according to their content or their attribute data. This is advantageous in categorizing data for processing. Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to use the attributing data of Nicholson to in the positional correcting apparatus of Yamagata in order to better categorize and organize the different forms of data that may be scanned.

### ***Conclusion***

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wes Tucker whose telephone number is 703-305-6700. The examiner can normally be reached on 9AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amelia Au can be reached on (703)308-6604. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Wes Tucker  
5-16-04



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